

IDAHO REAL ESTATE APPRAISER BOARD
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 4/22/2013

BOARD MEMBERS PRESENT: Brad Janoush - Chair
Darin D Krier
Douglas D Vollmer
Paul J. Morgan
Nancy Sommerwerck

BUREAU STAFF: Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, Legal Counsel
Eric Nelson, Prosecuting Attorney
Roger Hales, Administrative Attorney
Maria Brown, Technical Records Specialist

OTHERS PRESENT: Ray Kirby CRA-3
Ken Johnson CRA-2896

The meeting was called to order at 8:30 AM MDT by Brad Janoush.

APPROVAL OF MINUTES

The Board reviewed the 2/6/2013 minutes. It was moved by Ms. Sommerwerck to approve the 2/6/2013 minutes as written. Seconded by Mr. Vollmer, motion carried.

LEGISLATIVE REPORT

Ms. Hall gave the legislative report. She informed the Board that there were a significant number of freshmen Legislators this year. The Bureau has worked to educate them on the role of the Bureau, Boards, and the regulatory process. She stated that due to the current economic climate, Legislators are concerned with Idaho's business and job growth. There is a concern with making requirements for licensure more stringent.

FINANCIAL REPORT

Ms. Hall presented the financial report, which indicates a cash balance of (\$63,150.77) as of 3/31/2013.

FORMAL DISCIPLINARY ACTION

Mr. Nelson presented a memorandum for case REA-2013-7. Mr. Morgan recused himself from discussion and voting on case REA-2013-7. After review, the Board presented its recommendations to its prosecuting attorney.

Mr. Nelson presented a Stipulation and Consent Order for case REA-2013-6. It was moved by Mr. Morgan to approve the Consent Order for case REA-2013-6 and allow the Board Chair to sign on behalf of the Board. Seconded by Mr. Krier, motion carried.

OLD BUSINESS

Mr. Hales presented the Board a draft for the proposed rule changes that the Board addressed during its 4/30/2012, 6/18/2012, 8/20/2012, 12/3/2012, and 2/6/2013 Board meetings. The Board reviewed the 10/24/2011 minutes regarding appraisals in litigation. Mr. Hales explained the court process. The Board had a lengthy discussion on this matter. The Board agreed to require that all licensed appraisers providing opinions of value in litigation must comply with USPAP Standard 1, and keep a work file in support of their opinions of value in litigation. Mr. Hales presented a draft for the proposed law change requiring background checks on new applicants for licensure. New applicants would be registered trainees, those applying for an original appraiser's license, and those applying to upgrade their existing appraiser's license. It was moved by Mr. Vollmer to approve the proposed rule changes and the proposed law change with the addition of the word new to applicant. Seconded by Mr. Morgan, motion carried.

APPRAISAL MANAGEMENT COMPANIES

The Chairman updated the Board on the status of the legislation regarding appraisal management companies (AMCs) being worked on by various stakeholders within the profession. He stated that the work committee was contacted and met with a representative from Senator Crapo's Office, Bob Ford, regarding AMC regulation. The AMC work committee reported to Mr. Ford that it did not know when the AMC criteria would be drafted by the Appraisal Subcommittee.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

PROBATION REPORT

Ms. Peel presented the probation report. The Board discussed its ability to not allow appraisers with outstanding fines/fees to renew their license. The Board was advised that the Bureau is looking into this option.

CORRESPONDENCE

Ms. Peel presented a request to be removed from probation for case REA-2011-8. It was moved by Mr. Vollmer to approve the request to be removed from probation for case REA-2011-8. It was seconded by Mr. Morgan. Motion carried.

TO DO LIST

The Board reviewed the to do list. No action was taken by the Board.

NEW BUSINESS

CORRESPONDENCE

The Board discussed the correspondence from the Appraisal Subcommittee regarding the preliminary compliance review of Idaho's appraiser regulatory program. The Board reviewed a response draft for the review. It was moved by Ms. Sommerwerck to approve the letter of response and allow the Board Chair to sign on behalf of the Board. Seconded by Mr. Vollmer, motion carried.

The Board discussed the correspondence from the Appraisal Subcommittee regarding its Appraisal Complaint National Hotline. No action was taken by the Board.

The Board reviewed an e-mail from Paul Lorenzen regarding approval to act as a provider and offer the seven hour USPAP Update course. An approval for the course was given by the Appraisal Qualifications Board to an educational provider that he is an instructor for. Mr. Janoush recused himself from discussion and voting on this matter. The Board directed Ms. Brown to respond to Mr. Lorenzen asking him to submit an Idaho education application for himself, with the required fee, course synopsis, resume, and course materials for the Board to review during its Board meeting.

The Board reviewed a letter from William McCann regarding the termination of his application to upgrade his appraiser's license based on Rule 200.05. It was moved by Ms. Sommerwerck to deny the request and advise Mr. McCann to reapply, submit a more recent experience log, and pay fees. He does not need to resubmit his certificates of completion for courses taken. Two new work product samples will be selected from the new experience log. Seconded by Mr. Vollmer, motion carried.

LICENSURE COUNT

The Board discussed the current licensee count.

EXECUTIVE SESSION

Mr. Morgan made a motion that the Board go into executive session under Idaho Code § 67-2345(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Mr. Krier. The vote was: Mr. Morgan, aye; Mr. Janoush, aye; Mr. Vollmer, aye; Mr. Krier, aye; and Ms. Sommerwerck, aye. Motion carried.

Ms. Sommerwerck made a motion to come out of executive session. It was seconded by Mr. Vollmer. The vote was: Mr. Morgan, aye; Mr. Janoush, aye; Mr. Vollmer, aye; Mr. Krier, aye; and Ms. Sommerwerck, aye. Motion carried.

CE COURSES

It was moved by Mr. Morgan to approve the following continuing education course:

Panhandle Stormwater Erosion Education Program (SEEP) Basic Class

Seconded by Mr. Vollmer, motion carried.

CE AUDIT

The Board reviewed documentation for a continuing education audit. The documentation submitted was approved.

APPLICATIONS

Approved for licensure by examination

It was moved by Mr. Morgan to approve the following applicant for licensure by examination:

TRUJILLO MARIA LRA

Seconded by Mr. Vollmer, motion carried.

Pending

It was moved by Mr. Morgan to hold the following applications pending further information:

901114002

Seconded by Mr. Vollmer, motion carried.

NEXT MEETING 6/10/2013

ADJOURNMENT

It was moved by Ms. Sommerwerck that the meeting adjourn at 11:40 AM MST.
Seconded by Mr. Vollmer, motion carried.